

NOV 15 2019

Clerk, U S District Court
District Of Montana
Billings

GARY HILL as personal
representative of the ESTATE OF
KAREN LECOUC,

Case No. CV-19-17-BLG-SPW

ORDER STAYING ACTION

Cross-claim Defendant.

Under § 72-2-813, there are two ways to establish criminal accountability for the “felonious and intentional killing of the decedent”: a judgment of conviction and

exhaustion of all rights to appeal, or through the petition of an interested person to the Court and a determination under the preponderance of evidence standard that the individual would be found criminally liable. § 72-2-813(7).

LeCou's conviction for intentionally killing Karen LeCou is currently on appeal to the Montana Supreme Court. If LeCou's conviction is overturned, Hill states LeCou will be the undisputed legal beneficiary of the interpleaded plan funds. (Doc. 32 at 3.) Hill asks this Court to stay the proceedings until LeCou exhausts the appeal process or is found not to be criminally liable for Karen LeCou's death. Hill further states the modest amount of interpleaded funds makes it economically unrealistic for the Estate of Karen LeCou to pursue what is effectively a civil murder trial parallel to the State's criminal and appellate proceedings. (*Id.*)


The Court agrees. Resolving the case is not possible until LeCou has exhausted the appeal process, and requiring the Estate of Karen LeCou to prove LeCou caused Karen LeCou's death is unreasonable given the amount of funds in dispute. Accordingly,

IT IS HEREBY ORDERED:

1. Gary Hill's Motion to Stay Action is **GRANTED**.
2. This action is **STAYED** until the parties notify the Court that: (a) Robert LeCou has exhausted the appeal process and has been found criminally

liable for Karen LeCou's death; or (b) Robert LeCou is found not to be
criminally liable for Karen LeCou's death.

Dated this 15th day of November, 2019.


SUSAN P. WATTERS
United States District Court Judge